

21 C.J.S. Courts § 133

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Courts

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IV. Terms and Sessions

A. Definitions

§ 133. Terms

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  63

A term of court is the period of time prescribed for holding court for the administration of judicial duties, beginning on the first day of a term as fixed by law and extending through the adjournment to the next court in course.

A term of court is the time prescribed for holding court for the administration of judicial duties, a definite and fixed period, prescribed by law for the administration of judicial duties, within which the business of the term should be transacted.¹ It signifies that period of time between the first day of a term as fixed by law and the adjournment to the next court in course.² It is the time prescribed for holding court and not the time during which the court actually sits and is engaged in transacting business.³ "Term" generally refers to the typical long-term (such as six month) assignment of trial court judges to a judicial district while "session" designates the typical short-term (such as one-week) assignment to a particular location during the term.⁴ In some jurisdictions, terms of the court now exist only for accounting and statistical reporting purposes.⁵

In some jurisdictions, unless otherwise provided by order of a district court, a term of court is the full year as it begins on January 1 of a given year and ends on December 31 of that same year.⁶ A civil procedure rule stating that the period of time provided for doing any act or taking any proceeding is not limited or otherwise affected by the continued existence or expiration of a term of court does not abolish court terms but merely provides greater flexibility to the courts in attending the myriad functions they must perform.⁷ Although a term of court is distinguishable from the "vacation" period between terms,⁸ the term includes any time during the vacation period when the court holds session to hear and decide a matter.⁹

Regular, special, and adjourned terms.

Terms of court are very generally classified into regular terms and special terms¹⁰ or regular, adjourned, and special terms.¹¹ A regular term of court is one held at a time and place fixed once and for all¹² while a special term, by contrast, is called at the judge's discretion, under statutory authority, and is convened or held at a time fixed not by law but by order of the court or judge;¹³ it is separate and distinct from the regular term¹⁴ rather than a continuation of it after adjournment.¹⁵

A special term may be called or appointed for a particular purpose,¹⁶ or may not,¹⁷ and it is distinguished from a regular or general term only in the date or time that it is convened or held.¹⁸

CUMULATIVE SUPPLEMENT

Cases:

A term of court during which a judicial emergency has been declared in response to the COVID-19 global pandemic and corresponding limits have been imposed upon the ability of courts to hold jury trials and/or conduct nonessential judicial proceedings is not a regular term of court as contemplated by the three-term rule, generally requiring a criminal defendant to be brought to trial within three regular terms of court after the indictment, absent an exception. [W. Va. Code Ann. § 62-3-21](#). [State ex rel. Porter v. Farrell](#), 858 S.E.2d 897 (W. Va. 2021).

[END OF SUPPLEMENT]

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Footnotes

- 1 Ill.—*People v. Wilson*, 356 Ill. 256, 190 N.E. 270 (1934).

Terms of circuit court
Mo.—*State v. Leitner*, 945 S.W.2d 565 (Mo. Ct. App. S.D. 1997).
- 2 Mo.—*Trower v. Mudd*, 242 S.W. 993 (Mo. Ct. App. 1922).
- 3 Ala.—*Carpenter v. City of Birmingham*, 221 Ala. 368, 128 So. 899 (1930).
- 4 N.C.—*State v. Smith*, 138 N.C. App. 605, 532 S.E.2d 235 (2000).

"Session" of court defined, see § 134.
- 5 Md.—*State v. Griswold*, 374 Md. 184, 821 A.2d 430 (2003) (circuit courts).
- 6 Colo.—*People v. Gould*, 844 P.2d 1273 (Colo. App. 1992).

Neb.—*Andersen v. American Family Mut. Ins. Co.*, 249 Neb. 169, 542 N.W.2d 703 (1996).
- 7 Miss.—*R.W. Aiken Ins. Agency, Inc. v. SevenOaks Capitol Corp.*, 930 So. 2d 444 (Miss. Ct. App. 2006).
- 8 Mo.—*Himmelberger-Harrison Lumber Co. v. Keener*, 217 Mo. 522, 117 S.W. 42 (1909).

Vacations and proceedings therein, see § 141.
- 9 Fla.—*Lanier v. Shayne*, 85 Fla. 212, 95 So. 617 (1923).
- 10 Ill.—*People v. Wilson*, 356 Ill. 256, 190 N.E. 270 (1934).
- 11 Ala.—*Martin v. State*, 22 Ala. App. 191, 113 So. 452 (1927).
- 12 Ill.—*People v. Wilson*, 356 Ill. 256, 190 N.E. 270 (1934).
- 13 Ill.—*People v. Wilson*, 356 Ill. 256, 190 N.E. 270 (1934).
- 14 Ark.—*Honea v. Federal Land Bank of St. Louis*, 187 Ark. 619, 61 S.W.2d 436 (1933).
- 15 Ark.—*Honea v. Federal Land Bank of St. Louis*, 187 Ark. 619, 61 S.W.2d 436 (1933).
- 16 Ark.—*Honea v. Federal Land Bank of St. Louis*, 187 Ark. 619, 61 S.W.2d 436 (1933).
- 17 Ill.—*People v. Wilson*, 356 Ill. 256, 190 N.E. 270 (1934).
- 18 Fla.—*Ex parte Daly*, 66 Fla. 345, 63 So. 834 (1913).